

THE CITY OF SAN DIEGO

Condominium Conversion Ordinance as Amended June 13, 2006

Note: This is not an official copy of the amendments to the regulations related to condominium conversions

Article 4: Subdivision Regulations
Division 5: Condominium Conversion Regulations

§144.0501 Purpose of Condominium Conversion Regulations

The purpose of the Condominium Conversion Regulations is to allow the conversion of apartments to condominiums while protecting the interests of the tenants by requiring that tenants receive adequate notice of proposed *condominium conversions*, are advised of their rights with respect to the conversion of their apartment to a condominium, and are afforded reasonable relocation assistance. It is also the intent of these regulations to protect the interests of the community and prospective purchasers by requiring the *applicant* to provide certain information regarding the condition of the *structure* and to require reasonable improvements for the health, safety, and general welfare of the public.

§144.0502 When Condominium Conversion Regulations Apply

This division applies to any *development* that proposes a change in the ownership of a single *structure* or group of *structures* used for residential rental units from individual ownership of the *structure* or group of *structures* to individual ownership of the units within the *structure* or group of *structures* under a condominium plan or to a cooperative or stock apartment project pursuant to State law.

§144.0503 Fees and Deposits

In addition to the fees required by Chapter 11, Article 2, Division 2, Fees and Deposits, the *applicant* shall pay fees to the San Diego Housing Commission in an amount equal to \$200 for each unit proposed to be converted, plus any additional expenses incurred by the City or the Housing Commission to secure tenant relocation benefits.. The funds shall be used by the San Diego Housing Commission to monitor compliance with the obligations set forth under this division, provide technical assistance to tenants in their relocation, and recapture legal fees. Nothing contained in this division shall impose a duty upon the City or the Housing Commission to pay any relocation benefits to eligible tenants.

§144.0504 Building Conditions Report

- (a) A Building Conditions Report shall be prepared in accordance with the Land Development Manual by a California registered architect or engineer licensed by the State of California to perform these services.
- (b) A *condominium conversion* shall not be approved until the *applicant* has submitted the Building Conditions Report and the City has accepted the report as complete.
- (c) A copy of the Building Conditions Report shall be provided to a prospective purchaser prior to the opening of an escrow account.

§144.0505 Tenant Benefits, Rights and Obligations

- (a) The *subdivider* of a *condominium conversion* project shall provide the benefits specified in section 144.0505(b) to any person whose tenancy in the project the *subdivider* terminates due to the *condominium conversion*.
- (b) The *applicant* shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U. S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the *applicant* gives notice to the tenant to vacate the *premises* and shall be based upon the fair market rent at the time of the notice.

§144.0507 Development Regulations for Condominium Conversions

Prior to final map approval, to the satisfaction of the City Engineer, the following improvements shall be completed:

- (a) Electrical Electrical system grounding and equipment grounding shall be provided, and electrical receptacle protection shall be upgraded to include ground fault circuit interrupter (GFCI) protection. GFCI protection shall comply with the prevailing Code.
- (b) Windows Basements in *dwelling units* and every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue. Windows provided for emergency escape or rescue shall comply with minimum sill height and opening size requirements in the prevailing Code.
- (c) Smoke alarms Smoke alarms shall be installed within *dwelling units* and designed to operate in compliance with the prevailing Code. Smoke alarms shall be interconnected and shall receive their primary power from the building wiring and shall be equipped with a battery backup. Within sleeping rooms smoke alarms shall include a visual notification device to notify hearing impaired occupants.

- (d) Landscape Street trees and street yard landscape shall be provided in accordance with the requirements for *condominium conversions* in Section142.0402.
- (e) Building components and systems Building components and systems with a remaining life of five years or less, as identified in the Building Conditions Report shall be replaced as follows:
 - (1) Building components necessary to protect occupants and the building from weather exposure such as roof coverings, exterior wall and floor coverings and finishes.
 - (2) Water heating systems, cooling and heating mechanical systems.
- (f) Parking Parking shall be provided in accordance with Section 142.0525(a).

§144.0508 Inclusionary Housing Requirement for Condominium Conversions

Condominium conversion projects of twenty or more units shall satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306.

§144.0509 Deviations from the Development Regulations for Condominium Conversions

Deviations to the requirements in Section 144.0507 may be requested in accordance with a Process Four Site Development Permit.

§125.0431 Additional Notice for a Condominium Conversion Map

- (a) For a *tentative map* for a *condominium conversion* project, the *subdivider* shall provide the following notices in addition to the notice provided for in Chapter 11, Article 2, Division 3 (Notice):
 - (1) Notice to each tenant of the proposed project required in the *Subdivision Map Act* Section 66427.1; and
 - (2) Notice to each person applying for the rental of a unit in the proposed project required in Chapter 11, Article 2, Division 3 (Notice) and *Subdivision Map Act* Section 66452.8;
 - (3) Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - (A) For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or

- (B) For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
- (4) 60 Day Notice of Termination of Tenancy, consistent with the Land Development Manual, provided to each tenant 60 days prior to being required to vacate the property.
- (5) Notice of 90 Day Period of First Right of Refusal to Purchase, consistent with the Land Development Manual, provided to each tenant as follows:
 - (A) Within 5 working days of the issuance of the Subdivision Public Report, or
 - (B) 90 days prior to the initial public offer for sale if no Subdivision Public Report is required.
 - (C) Failure to provide notice within the time period required shall extend the 90 Day Period of First Right of Refusal to Purchase to 90 days from the date the notice is provided to the tenant.
- (b) The notices required in Section 125.0431(a) shall include a statement advising the tenants that should the *condominium conversion* be approved, tenants may be required to vacate the *premises* following any payment of benefits due under Section 144.0505.

§126.0504 Findings for Site Development Permit Approval

A Site Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0504(a) and the supplemental *findings* in Section 126.0504(b) through (n) that are applicable to the proposed *development* as specified in this section.

(n) Supplemental Findings - Condominium Conversions

A Site Development Permit required in accordance with Section 144.0509, because of potential impacts to the surrounding neighborhood, may be approved or conditionally approved only if the decision maker makes either of the following supplemental *findings* in addition to the *findings* in Section 126.0404(a):

(1) The decision maker has considered the project-specific constraints and has determined that the *condominium conversion* as proposed would, to the maximum extent feasible, address the requirements of Section 144.0507, and has been developed to provide specific community benefits; or

(2) Strict adherence to the requirements of Section 144.0507 would result in a project that would result in the demolition of *structures* or loss of the architectural character of *structures* that contribute to the community character.

Chapter 14 Article 2: General Development Regulations Division 4: Landscape Regulations

§142.0402 When Landscape Regulations Apply

Table 142-04ALandscape Regulations Applicability

Тур	e of <i>Development</i> Proposal			Applicable Regulations	Required Permit Type/ Decision Process
1.	Column A New structures that equal or exceed the gross floor	Column B Gross floor area (in square feet)	Column C Zone or Proposed Use Category		
	area shown (Column B), and are located in the zone or are proposing the use category shown (Column	1,000 sf	RM or Commercial Zones; or Multiple Dwelling Unit Residential use subcategory or Commercial Development	142.0403- 142.0407, 142.0409,	Building Permit/ Process One
	C)	5,000 sf	Industrial Zones; or Industrial Development	and 142.0413	Tiocess one
2.	Additions to structures or additional structures on developed properties that exceed the gross floor area	1,000 sf or 20 percent increase	Multiple Dwelling Unit Residential Zones or use subcategory	142.0403-	
	shown or that increase the gross floor area by the percent shown (Column B), and are located in the zone	1,000 sf or 10 percent increase	Commercial Zones; or Commercial Development		Building Permit/ Process One
	or are proposing the category of use shown (Column C)	5,000 sf or 20 percent increase	Development		
3.	New permanent parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single <i>lot</i> in <i>single dwelling unit</i> zones			142.0403, 142.0406- 142.0409, and 142.0413	Building Permit/ Process One
1.	New temporary parking and <i>vehicular use area</i> for four or more vehicles including access to the spaces, excluding parking for <i>single dwelling unit</i> uses on a single <i>lot</i> in <i>single dwelling unit</i> zones			142.0403, 142.0408, 142.0409, and 142.0413	Building Permit/ Process One
5.	Additions or modifications to existing permanent or temporary parking and <i>vehicular use</i> area that increase the number of parking spaces by four or more			142.0403, 142.0408, 142.0409, 142.0410(b), and 142.0413	Building Permit/ Process One
5.	Single dwelling unit residential use projects proposing new private or public rights-of-way			142.0403, 142.0409, and 142.0413	Building Permit/ Process One
7.	Projects proposing slopes with gradients steeper than 4:1 (4 horizontal feet to 1 vertical foot) that are 5 feet or greater in height			142.0403, 142.0411, and 142.0413	Building Permit/ Process One
3.	Projects creating disturbed areas of bare soils, or projects with existing disturbed areas			142.0403, 142.0411, and 142.0413	No permit required by the division
).	All City owned property, dedicated in perpetuity for park or recreation purposes, within 100 feet of a structure.				No permit is required by the division if wo is performed a accordance with applicab regulations
10.	Undeveloped public or private <i>premises</i> , within 100 feet of a <i>structure</i> that contain native or naturalized vegetation or <i>environmentally sensitive lands</i> .			142.0403, 142.0412, and 142.0413	No permit is required by the division if we is performed in accordance with applicab

			regulations
11.	New trees or shrubs planted in the <i>public right-of-way</i> .	62.0603,	Public Right-
		129.0702	Of-Way Permit
		142.0403	or Street Tree
		and 144.0409	Permit/Process
			One
12.	Condominium Conversions	142.0403,	No permit
		142.0404,	required by this
		142.0405(b)(1),	division
		142.0409(a),	
		142.0412,	
		and 142.0413	

§142.0404 Street Yard and Remaining Yard Planting Area and Point Requirements

Table 142-04C
Street Yard and Remaining Yard Planting Requirements

Type of Development Proposal	Type of Yard	Planting Area Required (Percentage of total yard area	Plant Points Required (Number of plant points required per square foot of total <i>street yard</i> or (1)	
		unless otherwise noted below)	remaining yard area) or required trees	
Single Dwelling Unit Residential Development in	Street Yard	50% ⁽²⁾	0.05 points	
RM zones or Multiple Dwelling Unit Residential Development in any Zone	Remaining Yard	40 Square Feet per Tree	For single <i>structures</i> on a single <i>lot</i> , provide a minimum of 60 points, located in the <i>remaining</i> yard (2) For more than one <i>structure</i> on a single <i>lot</i> , provide	
			one tree on each side and in the rear of each structure (2)	
Condominium Conversion	Street Yard	50% (5)	0.05 points	
	Remaining Yard	NA	N/A	
Commercial <i>Development</i> in any Zone or Industrial <i>Development</i> in RM Zones or	Street Yard	25% ⁽³⁾	0.05 points to be achieved with trees only (3)	
Commercial Zones	Remaining Yard	30%	0.05 points	
Industrial <i>Development</i> in any zone other than RM or	Street Yard	25% (4)	0.05 points	
Commercial Zones	Remaining Yard	See Section 142.0405 (d)	0.05 points	

Footnotes to Table 142-04C

- See Section 142.0405(a)
- See Section 142.0405(b)
- ³ See Section 142.0405(c)
- 4 See Section 142.0405(d)
- ⁵ See Section 142.0405(b)(1)

§142.0409 Street Tree and Public Right-of-Way Requirements

(a) Street Tree Requirements

When new *structures*, additions to *structures*, *condominium conversions*, or new *vehicular use areas* are subject to this section in accordance with Table 142-04A, street trees within the *parkway* shall be provided in accordance with the following regulations.

Article 2: General Development Regulations Division 5: Parking Regulations

§142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required.

Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

Table 142-05A
Parking Regulations Applicability

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
Any single dwelling unit residential development	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
Any multiple dwelling unit residential development	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
Any nonresidential development	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
Multiple dwelling unit projects in planned urbanizing communities that are processing a planned development permit.	Section 142.0525(c)	No permit required by this division
Condominium conversion	Section 142.0525(a)	No permit required by this division
Off-premises parking for <i>development</i> in urbanized communities	Section 142.0535	No permit required by this division
Commercial uses on small lots	Section 142.0540(a)	No permit required by this division
Nonresidential <i>developments</i> that exceed maximum permitted parking	Section 142.0540(b)	Neighborhood Development Permit /Process Two
Nonresidential developments that vary from minimum parking requirements with a TDM Plan	Section 142.0540(c)	Site Development Permit/Process Three
Shared parking for specified uses	Section 142.0545	No permit required by this division
Shared parking for nonspecified uses	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two
Tandem Parking for commercial uses	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

(a) Minimum Required Parking Spaces. The required automobile parking spaces, motorcycle parking spaces, and bicycle parking spaces for *development* of *multiple dwelling units*, whether attached or detached, and related and *accessory uses* are shown in Table 142-05C. Other allowances and requirements, including the requirement for additional common area parking for some projects, are provided in Section 142.0525(b) through (d).

Table 142-05C
Minimum Required Parking Spaces for
Multiple Dwelling Units and Related and Accessory Uses

Multiple Dwelling Unit Type and Related and Accessory Uses	Automobile Spaces Required Per Dwelling Unit (Unless Otherwise Indicated)		Motorcycle Spaces Required Per Dwelling Unit	Bicycle ⁽⁵⁾ Spaces Required Per Dwelling Unit	
	Basic (1)	Transit Area ⁽²⁾ or Very Low Income ⁽³⁾	Parking Impact ⁽⁴⁾		
Studio up to 400 square feet	1.25	1.0	1.5	0.05	0.3
1 bedroom	1.5	1.25	1.75	0.1	0.4
or studio over 400 square feet					
2 bedrooms	2.0	1.75	2.25	0.1	0.5
3-4 bedrooms	2.25	2.0	2.5	0.1	0.6
5+ bedrooms	2.25	2.0	(See footnote 6)	0.2	1.0
Condominium conversion (8)					
1 bedroom or studio over 400 square feet	1.0	0.75	1.25	N/A	N/A
2 bedrooms	1.25	1.0	1.5	N/A	N/A
3+ bedrooms	1.5	1.25	1.75	N/A	N/A
Rooming and boarding house	1.0 per boarder	0.75 per boarder	1.0 per boarder	0.05 per boarder	0.30 per boarder
Residential care facility	1 per 3 beds or	1 per 4 beds or per	1 per 3 beds or per	N/A	N/A
(6 or fewer persons)	per permit	permit	permit		
Transitional Housing	1 per 3 beds or	1 per 4 beds or per	1 per 3 beds or per	N/A	N/A
(6 or fewer persons)	per permit	permit	permit		
Accessory uses	Retail Sales:	Retail Sales:	Retail Sales:	N/A	N/A
(Spaces per square feet (7))	2.5 per 1,000	2.5 per 1,000	2.5 per 1,000		
	Eating and Drinking Estb.:	Eating and Drinking Estb.:	Eating and Drinking Estb.:		
	5 per 1,000	5 per 1,000	5 per 1,000		

Footnotes for Table 142-05C

- Basic. The basic parking ratio applies to *development* that does not qualify for the *transit area* parking ratio or the *very low income* parking ratio and that is at least partially within a Parking Impact Area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone). *Development* qualifying for either the *transit area* or *very low income* parking ratio that are also within a Parking Impact Area shall also use the basic parking ratio.
- Transit Area. The transit area parking ratio applies to development that is at least partially within a transit area as described in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone) or that is subject to Chapter 13, Article 2, Division 11 (Urban Village Overlay Zone).
- Wery Low Income. The very low income parking ratio applies to dwelling units limited to occupancy by very low income households and development covered by an agreement with the San Diego Housing Commission pursuant to Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations).
- Parking Impact. The parking impact ratio applies to *development* that is at least partially within a designated beach impact area or a campus impact area as described in Chapter 13, Article 2, Division 8 (Parking Impact Overlay Zone), unless otherwise noted.
- Bicycle. Bicycle racks are not required for a dwelling unit with a garage accessible only by residents of the dwelling unit.
- 5+ Bedrooms in Parking Impact Areas. Beach impact area: 2.5 spaces per dwelling unit. Campus impact area: 1 space per bedroom.
- Accessory Uses. Square footage includes *gross floor area* plus *floor* area that is below *grade* and excludes *floor* area devoted to parking.
- (8) Condominium conversion. Existing parking located in required front yards shall not be counted toward meeting the required minimum number of parking spaces.

§ 142.1306 General Inclusionary Affordable Housing Requirements

- (a) At least ten percent (10%) of the total *dwelling units* in the proposed *development* shall be affordable to *targeted rental households* or *targeted ownership households in accordance with Section 142.1309*. For any partial unit calculated, the applicant shall pay a prorated amount of the in lieu fee in accordance with Section 142.1310 or provide an additional affordable unit. *Condominium conversion* units affordable to and sold to households earning less than 150 percent (150%) of the *area median income* pursuant to an agreement entered into with the San Diego Housing Commission shall not be included in the *dwelling units* total for purposes of applying the ten percent inclusionary housing requirement.
- (b) With the exception of *condominium conversions* of twenty or more *dwelling units* the requirement to provide *dwelling units* affordable to and occupied by *targeted rental households* or *targeted ownership households*, can be met in any of the following ways:
 - (1) On the same site as the proposed project site;
 - (2) On a site different from the proposed project site, but within the same community planning area. Nothing in this Division shall preclude an *applicant* from utilizing affordable units constructed by another in accordance with this Division upon approval by the Housing Commission in accordance with the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual;
 - (3) On a site different from the proposed project site and outside the community planning area if the *applicant* has obtained a variance in accordance with Section 142.1304. Nothing in this Division shall preclude an *applicant* from utilizing affordable units, constructed by another *applicant* in accordance with this Division, upon approval by the Housing Commission pursuant to the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual;
 - (4) Payment of an in lieu fee in accordance with the provisions of Section 142.1310; or
 - (5) Any combination of the requirements of this Section.
- (c) Condominium conversions of twenty or more dwelling units shall satisfy the requirement to provide dwelling units affordable to and occupied by targeted rental households or targeted ownership households on the same site as the condominium conversion.

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

Table 143-03A Supplemental Neighborhood Development Permit or Site Development Permit Regulations Applicability

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process	
Affordable/In-Fill Housing Projects with Deviations	143.0910, 143.0915, 143.0920	SDP/Process Four	
Site Containing Environmentally Sensitive Lands	143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380	NDP/Process Two or SDP/Process Three or Four	
Site Containing Historical Resources	143.0201-143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380	NDP/Process Two or SDP/Process Four	
Fences or Retaining Walls Exceeding the Permitted Height	143.0303, 143.0305, 142.0350, 143.0375	NDP/Process Two	
Relocated Building Onto a Site With an Existing Building	143.0303, 143.0305, 143.0345, 143.0375	NDP/Process Two	
Site with <i>Previously Conforming</i> Conditions	127.0102, 143.0303, 143.0305, 143.0375	NDP/Process Two	
Nonresidental <i>Development</i> Exceeding the Maximum Permitted Parking	142.0540(b), 143.0303, 143.0305, 143.0375	NDP/Process Two	
Shared Parking for Uses Not Listed in Section 142.0545(c)	142.0545(b)(7), 143.0303, 143.0305, 143.0375	NDP/Process Two	
Commercial <i>Development</i> With Tandem Parking	142.0555(b),143.0303, 143.0305, 143.0375	NDP/Process Two	
Previously Conforming Parking for a discontinued use	142.0510(d)(4), 143.0303, 143.0305, 143.0375	NDP/Process Two	
Mobilehome Parks in RM Zones	143.0303, 143.0305, 143.0340, 143.0375	NDP/Process Two	
Mobilehome Parks in RS, RX Zones	143.0303, 143.0305, 143.0340, 143.0375	SDP/Process Three	
Discontinuance of Mobilehome Park	141.0410-141.0440, 132.0801-132.0804, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three	
Multiple Dwelling Unit <i>Development</i> that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three	
Nonresidental <i>Development</i> (With TDM Plan) that Varies from Minimum Parking Requirements	142.0525(b), 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three	
Community Plan Implementation Overlay Zone	132.1401-132.1405, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three	
Mission Trails Design District	132.1201-132.1205, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three	
Development Within the Urban Village Overlay Zone	132.1101-132.1110, 143.0303, 143.0305, 143.0375, 143.0380	SDP/Process Three	
Public improvements on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	142.0601-142.0670, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three	
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height	142.0101-142.0149, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Three	
Affordable Housing in RE, RS, RX, RT, AR Zones	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0710-143.0740	SDP/Process Three	
Affordable Housing with Deviations from Development Regulations	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380, 143.0760	SDP/Process Four	
Condominium Conversions with Deviations from Development Regulations	143.0303, 143.0305, 143.0360, , 143.0375,	SDP/Process Four	
Multiple Dwelling Unit Development in RM Zones Involving Lot Consolidation and Exceeds Number of Units Indicated in Table 126-05A	143.0303, 143.0305, 143.0310, 143.0320, 143.0375,143.0380	SDP/Process Three	
Clairemont Mesa Height Limit Overlay Zone	132.0401-132.0406, 143.0303, 143.0305, 143.0375,143.0380	SDP/Process Five	